

CLARKES 015127
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

Case No. CIV 01-0244-S-BLW

**DEFENDANT'S UNOPPOSED MOTION
FOR ENLARGEMENT OF TIME**

**MICRON ELECTRONICS, INC., a
Minnesota corporation,**

Defendant.

Defendant respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 6(b), and District of Idaho Local Civil Rule 6.1(a), for an order extending, by three business days, the deadline for Defendant's filing of its response to Plaintiffs' Motion for Conditional Certification. (Docket Nos. 75-79.)

For the reasons set forth directly below, Defendant requests the Court's Order Re: Stay and Scheduling, (docket no. 98), be modified to allow Defendant's response to be filed by Monday, August 26, 2002.

On August 13, 2002, Defendant filed a motion and supporting affidavit seeking to exceed, by thirty pages, the limit set by District of Idaho Local Civil Rule 7.1(c)(1). (Docket No. 101.) On August 21, 2002, in compliance with the schedule set by this Court's Order (Docket No. 98), Defendant filed with the Court and served on Plaintiff (by U.S. Mail and facsimile), a 50-page response to Plaintiff's Motion for Conditional Certification.

The next day (August 22, 2002), Judge Boyle entered an Order Granting Defendant's Unopposed Motion to File Over-Length Brief in Opposition to Plaintiff's Motion for Conditional Certification, but providing that Defendant's brief not exceed forty (40) pages. (Docket No. 121.)

Consequently, this motion for enlargement of time was necessitated, in order to allow Defendant time to comply with Judge Boyle's Order and reduce Defendant's response briefing from 50 pages to 40 pages or less.

Defense counsel has spoken with Plaintiffs' counsel and Plaintiffs' counsel agrees that they will not oppose this motion.

In the interests of fairness, Defendant agrees and requests that Plaintiffs be granted a reciprocal extension of time, and that the Court's scheduling order therefore be modified to allow Plaintiffs until September 6, 2002, to file their reply briefing in support of conditional certification.

Defendant certifies, in compliance with District of Idaho Local Civil Rule 6.1(a), that the following extensions have previously been granted in this case: Docket Nos. 90, 98.

Dated this 26th day of August, 2002.

STOEL RIVES LLP




Kim J. Dockstader

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2002, a true and correct copy of the foregoing **DEFENDANT'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME** as served on the following individuals by the manner indicated:

William H. Thomas	<input checked="" type="checkbox"/>	By U.S. Mail
Daniel E. Williams	<input type="checkbox"/>	By Hand Delivery
HUNTLEY, PARK, THOMAS,	<input checked="" type="checkbox"/>	By Facsimile
BURKETT, OLSEN & WILLIAMS	<input type="checkbox"/>	By Overnight Delivery
250 S. Fifth Street		
Suite 660		
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Kim J Dockstader